

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

337J0339

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB 1099** - 01/22/2004

Introduced by: Representatives Konold, Haverly, O'Brien, Sigdestad, Solum, and Wick and  
Senators Kelly, Albers, Brown, Duxbury, Earley, Ham-Burr, Kleven,  
McCracken, Moore, Olson (Ed), and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to establish a statute of limitations for real estate licensees  
2 and their licensed real estate firms for alleged malpractice, mistake, error, and omission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 15-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No action may be brought against a licensed real estate broker, broker associate, or  
7 salesperson, or any agent or employee thereof, for malpractice, error, mistake, or omission,  
8 whether based upon contract or tort, unless it is commenced within three years of the occurrence  
9 of the alleged malpractice, error, mistake, or omission. This section is prospective in  
10 application.

11 Section 2. That chapter 15-2 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 No action may be brought against a licensed partnership, association, limited liability  
14 company, or corporation of a real estate broker, or any agent or employee thereof, for



1 malpractice, error, mistake, or omission, whether based upon contract or tort, unless it is  
2 commenced within three years of the occurrence of the alleged malpractice, error, mistake, or  
3 omission. This section is prospective in application.